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8 *Kumar, M.D.*

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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 NORTHERN DIVISION

13
14 **DONNIE SCOTT,**

15 Plaintiff,

16 v.

17 **JIM ROBERTSON, RN ERIC GOLDING;**
18 **DR. DEVINDER KUMAR,**

19 Defendants.
20

4:19-cv-06046-HSG

**STIPULATION AND ORDER
DISMISSING DEFENDANTS E.
GOLDING AND D. KUMAR AND
SUBSTITUTING CALIFORNIA
DEPARTMENT OF CORRECTIONS
AND REHABILITATION AS
DEFENDANT (as modified)**

21 Pursuant to the following recitals, Plaintiff Donnie Scott (Plaintiff), Defendants E.
22 Golding, R.N., and Dr. D. Kumar (Defendants) and the California Department of Corrections and
23 Rehabilitation (CDCR) (collectively Parties), stipulate as follows:

24 1. The Court has jurisdiction over the subject matter of this action and each party.
25 Venue of this action is proper in the United States District Court for the Northern District of
26 California.

27 2. The parties appeared at settlement conferences before Magistrate Judge Robert
28 Illman on June 27, 2022, and August 11, 2022. At the conclusion of the August 11, 2022

1 settlement conference, a final offer to settle the case was extended to defendants and subsequently
2 accepted on August 26, 2022. Pursuant to the terms of this settlement, Plaintiff agreed to
3 substitute and name CDCR in place of Defendants E. Golding and D. Kumar nunc pro tunc, and
4 Plaintiff agreed to dismiss his lawsuit in exchange for monetary payment of sixteen thousand
5 dollars (\$16,000) to be paid by CDCR.

6 3. Plaintiff's operative complaint (Doc. 12) alleges Defendants E. Golding and D.
7 Kumar were employed by CDCR at all relevant times. Pursuant to California Government Code,
8 section 825(a), public entities are required to defend and indemnify their employees and former
9 employees and pay any compromise or settlement of a claim or action arising from any alleged
10 act or omission occurring within the scope of their employment.

11 4. The Parties accordingly desire and stipulate to amend or modify the operative
12 Complaint (Doc. 12) to name CDCR as the sole Defendant in place of E. Golding and D. Kumar.
13 The Parties, therefore, desire and request that the Court enter an order amending or modifying the
14 operative Complaint (Doc. 12) to name CDCR as Defendant, substituting CDCR in place of E.
15 Golding and D. Kumar. The Parties further agree and stipulate that any answer or responsive
16 pleading filed in this case shall be deemed to have been made on behalf of CDCR.

17 5. The Parties further agree and stipulate that the amendment or modification to the
18 operative Complaint (Doc. 12) may be made by interlineation on the original complaint and any
19 other documents deemed necessary by the District Court clerk.

20 6. The Parties further agree that this Stipulation and Agreement may be signed in
21 counterparts, and may be signed and/or transmitted electronically, including by e-mail or
22 facsimile, and that any such document deemed to be effective and binding.

23 7. The Parties further agree to execute any additional documents the Court may
24 require to carry out the Parties' intentions and requests.

25 8. The Parties further agree that the United States District Court for the Northern
26 District of California shall retain jurisdiction over this case for the limited purposes of enforcing
27 the settlement agreement.

28 ///

1 9. The Parties further agree that each signature is made with the authorization and
2 agreement of the individual or entity identified.

3 IT IS SO STIPULATED.

4
5 Dated: October 18, 2022


Donnie Scott, Plaintiff in pro per

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8 Dated: _____

P. Arentz
California Department of Corrections
and Rehabilitation

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12 Dated: October __, 2022

ROB BONTA
Attorney General of California
BRUCE D. MCGAGIN
Supervising Deputy Attorney General

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JAMIL R. GHANNAM
Deputy Attorney General
*Attorneys for Defendant California
Department of Corrections and
Rehabilitation*

1 9. The Parties further agree that each signature is made with the authorization and
2 agreement of the individual or entity identified.

3 IT IS SO STIPULATED.

4
5 Dated: _____

_____ Donnie Scott, Plaintiff in pro per

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8 Dated: November 3, 2022

/s/ P. Arentz

P. Arentz
California Department of Corrections
and Rehabilitation

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12 Dated: November 3, 2022

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Attorney General of California
BRUCE D. MCGAGIN
Supervising Deputy Attorney General

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JAMIL R. GHANNAM
Deputy Attorney General
*Attorneys for Defendant California
Department of Corrections and
Rehabilitation*

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ORDER

Pursuant to the stipulation of the Parties, the Court hereby orders that the operative Complaint (Doc. 12), filed by Plaintiff Donnie Scott, is hereby amended to name the California Department of Corrections and Rehabilitation as the Defendant in place of E. Golding and D. Kumar. The Clerk is authorized to make these changes by interlineation on the operative Complaint (Doc. 12) and on other documents as appropriate or necessary. The Clerk is directed to edit the docket to add the California Department of Corrections and Rehabilitation as a defendant and terminate E. Golding and D. Kumar as defendants. Any answer or responsive pleading previously filed by E. Golding and D. Kumar shall be deemed to have been filed on behalf of the California Department of Corrections and Rehabilitation. This order is made nunc pro tunc.

IT IS SO ORDERED.


Hon. Haywood S. Gilliam, Jr.
District Judge
United States District Court